

2013 DRAFTING REQUEST

Assembly Amendment (AA-AB732)

Received: 2/10/2014 Received By: rkite
Wanted: As time permits Same as LRB:
For: Jeffrey Mursau (608) 266-3780 By/Representing: Tim Gary
May Contact: Drafter: rkite
Subject: Nat. Res. - parks and forestry Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Mursau@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Distribution of payments for closed managed forest land

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

<END>

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FE Sent For:

<END>

Kite, Robin

From: Gary, Tim
Sent: Friday, February 07, 2014 1:10 PM
To: Kite, Robin
Subject: RE: Potential Drafting Errors in AB 732????

Robin,

Mursau wants the closed acreage fees from the ferrous mining site to be sent back to the towns & counties where they are located.

I will have Kathy Nelson call you regarding the timing of payments.

Mursau would want a substitute amendment if there is a timing issue that needs to be worked out and a simple (mining) amendment if there is not a timing issue that needs to be resolved.

Tim

From: Kite, Robin
Sent: Friday, February 07, 2014 12:46 PM
To: Gary, Tim
Cc: Kreye, Joseph
Subject: RE: Potential Drafting Errors in AB 732????

Tim:

I talked with Joe Kreye, who is one of our tax drafters and who worked on this bill with me. We think that the draft is properly drafted and that Kathy Nelson may have misinterpreted some of the language in the bill. Feel free to have Kathy give Joe or me a call and we will be happy to discuss it with her.

1. One of the issues that Kathy raises has to do with closed acreage fees for ferrous mining sites. These fees are not included in this bill at all. Perhaps she thought that you intended to include those closed acreage fees in the bill. Did we misunderstand your intent on this issue?
2. I also don't think there is a problem in the bill with regard to the timing of payments. The bill creates an exception with regard to payment dates so that the 2014 payments will be made at a different time than is otherwise required under current law.

Please give me or Joe a call if you would like to discuss these issues or if you think that the bill does not reflect your intent.

Robin

From: Gary, Tim
Sent: Friday, February 07, 2014 11:21 AM
To: Kite, Robin
Subject: FW: Potential Drafting Errors in AB 732????

Robin,

What do you think of DNR's analysis below?

Tim Gary

From: Bruhn, Michael L - DNR [<mailto:Michael.Bruhn@wisconsin.gov>]
Sent: Thursday, February 06, 2014 4:59 PM
To: Gary, Tim
Subject: FW: Potential Drafting Errors in AB 732????

I wanted to forward these two issues to you from Kathy Nelson. I hope they are helpful...

Thanks!

Michael Bruhn
Legislative Liaison
Wisconsin Department of Natural Resources
(☎) phone: (608) 266-5375
(✉) e-mail: michael.bruhn@wisconsin.gov
Website: dnr.wi.gov
Find us on Facebook: www.facebook.com/WIDNR

From: Nelson, Kathryn J - DNR
Sent: Thursday, February 06, 2014 2:34 PM
To: Bruhn, Michael L - DNR
Cc: DeLong, Paul J - DNR; Zastrow, Darrell E - DNR; Mather, Robert J - DNR; Warren, James K - DNR; Potvin, Nicole R - DNR; Neumann, Paul F - DNR; Christianson, William P - DNR; Warnke, Michael J - DNR; Mather, Kathy M - DNR
Subject: Potential Drafting Errors in AB 732????

Hi Mike,

The fiscal note for AB 732 is currently being routed for approval, however in reading the draft bill there were a few inconsistencies that I'd like to point out in case you'd like to make sure that the bill drafters didn't make an error. A copy of the draft bill is enclosed for your use.

1. In Section 3 and Section 4 municipalities are required to pay to the county all closed acreage fees under 77.84(2)(b), (bm) and (bp). (b) is for closed acreage from 1987 – 2004, (bm) is for closed acreage from 2005 – present, and (bp) is the closed acreage within a proposed ferrous mining site. Sections 3 and 4 are found in Chapter 74, which deals with Property Tax Collections.

However, in Section 5 and Section 6 the requirement for the municipalities to pay the county all closed acreage fees includes only those closed acreage fees collected under (b) and (bm). The requirement to remit the closed acreage fees under (bp) is missing.

In essence, we have two chapters requiring the municipalities to make payments to the counties that say two different things. This should likely be looked at to determine which of the two payment direction the legislature wanted.

2. In Section 6 it appears that the timing of the proposed bill may make it difficult to execute the bill as written. Municipalities need to pay the county the closed acreage fee by February 20. If the bill is signed and effective after February 20, the closed acreage fee money will already have been transmitted to the county. Municipal treasurers will no longer have the money to pay 75% to the DNR or the 20% to the county. (Also NOTE that (bp) is missing in this section as well. If it was the intent of the legislature to allow the municipalities to keep all closed acreage fees collected under (bp), wording in ch. 74 must be adjusted accordingly.)

That's all that I have. Please let me know if you have questions. Thanks. :D

Kathy

 *Kathryn J. Nelson*

Bureau of Forest Management

Wisconsin Department of Natural Resources

(☎) phone: (608) 266-3545

(☎) fax: (608) 266-8576

(✉) e-mail: Kathryn.Nelson@Wisconsin.gov

Website: <http://dnr.wi.gov/>

Find us on Facebook: www.facebook.com/WIDNR

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/u/?q=33>
to evaluate how I did.

2/10/14

Talked to Tim about "timing" problem
in Kathy Nelson's e-mail
Tim said he does not want to delay
the bill until 2015 payments
I told him I would draft an
amendment to require DNR to
"refund" the amounts back to the
county in 2014 for distribution
to the municipalities

Discussed further w/ Joe & Kathy
Nelson -
will have county refund back to
municipalities so DNR won't
have to do the refunding



Wed (2/12)
State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa1698

RNK:.....

Run
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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

ASSEMBLY AMENDMENT,

TO ASSEMBLY BILL 732

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 15: delete the material beginning with that line and ending with
3 page 4, line 3, and substitute:

4 "SECTION 2m. Nonstatutory provisions.

5 (1) Notwithstanding section 77.89 (2) (b) of the statutes, of the amounts
6 received by the county treasurer under section 77.89 (2) (b) of the statutes in 2014,
7 the county treasurer shall do all of the following:

8 (a) Pay to the department of natural resources, by June 30, 2014, 75 percent
9 of the amounts received under section 77.89 (2) (b) of the statutes. All amounts
10 received by the department of natural resources under this paragraph shall be
11 credited to the conservation fund and shall be reserved for land acquisition and
12 resource management activities.

1 (b) Refund to the municipal treasurer, by June 30, 2014, 20 percent of the
2 amounts received from the municipal treasurer under section 77.89 (2) (b) of the
3 statutes.”.

4 (END)